

REMARKS

Applicant sorrowfully regrets to inform the Examiner that Mr. Lawrence Isakoff, formerly patent agent of record in this application, died suddenly on August 25, 2003. On October 17, 2003, Applicant filed completed a Power of Attorney form PTO/SB/81 and a Statement Under 37 CFR 3.73(b) form PTO/SB/96 and requested that future correspondence in this matter be directed to the undersigned via Customer No. 020454.

Claims 1, 2 and 8 stand rejected under 35 U.S.C. §102(b) as being anticipated by Zafiroglu US 4,704,321. This rejection is respectfully traversed on the following grounds.

Claim 1 defines a stitchbonded fabric characterized as having material comprising a non-fibrous layer of polymer or metal. The non-fibrous layer of material is stitched with at least one set of stitching threads of contractible yarn such that the material is contracted to at most 90 percent of its original lateral dimensions. The layer of material in the novel fabric is a foil or film, i.e., a continuous structure (page 3, lines 20-22).

The Office Action states that Zafiroglu '321 discloses all of the limitations of claim 1 including a fabric of material comprising a non-fibrous layer of polymer. Applicant respectfully disagrees. Zafiroglu '321 does not disclose a fabric containing a stitched non-fibrous polymer layer.

The Office Action points to the disclosure at col. 2, lines 10-24. The disclosed material is a "nonwoven fabric which comprises a layer of nonbonded, polyethylene plexifilamentary film-fibril strands" (lines 10-12). Perhaps the term "plexifilamentary film-fibril strands" has given the impression

that Patent '321 utilizes a layer of non-fibrous film. To the contrary, the term "plexifilamentary film-fibril strand" is defined (paragraph bridging columns 2 and 3 of Zafiroglu '321) as being ribbon-like fibrous elements of type disclosed in Blades US 3,081,519. A copy of Blades '519 is submitted herewith. That patent explains (col. 2, lines 23-56) that the strands are not an integrated film or foil. Rather they are a multi-fibrous yarn-like strand having an internal fine structure or morphology which may be characterized as a three-dimensional integral plexus consisting of a multitude of essentially longitudinally extended interconnecting random length fibrous elements (col. 2, lines 33-38).

In sum, Zafiroglu '321 does not teach or suggest a stitchbonded film or foil structure. This patent does not disclose a defining element of claim 1 and therefore does not anticipate claims 1, 2 or 8.

Claims 1, 2 and 5 stand rejected under 35 U.S.C. §102(b) as being anticipated by Zafiroglu US 5,879,779. This rejection is respectfully traversed.

The Office Action recites that Zafiroglu '779 at col. 2, lines 13-41 discloses a stitchbonded fabric having a material comprising a non-fibrous layer of polymer. The patent discloses just the opposite. Lines 13-15 state that "The fabric is of the type that includes a fibrous layer and patterns of stitches..." (emphasis added). Similarly, at col. 3, lines 37, as elsewhere in the patent, fibrous layer layers are disclosed.

The Office Action further points to Example 1, col. 6, lines 17-21 for disclosing a polymeric coating that is supported on a fibrous layer. Applicant agrees but contends that the claims do not read upon this disclosed structure. Example 1

pertains to a fibrous layer that is stitched with yarns and contracted. The contracted and stitchbonded fabric is resin treated to create the polymer layer. Thus the polymer layer is a coating upon a stitchbonded fibrous substrate. The polymer layer is not itself stitchbonded. That is, the stitches do not penetrate the polymer layer of the resin which was applied after the stitches were made and after the yarns were contracted. Claims of this invention call for the stitching threads to be in (i.e., to penetrate) the material that forms the layer of polymer. Zafiroglu '779 does not teach or suggest that threads stitch through a film layer, fails to disclose all of the claimed limitations and therefore does not anticipate the enumerated claims.

Claim 3 stands rejected under 34 U.S.C. §103(a) as being obvious over Zafiroglu in view of Kourtides et al. US 5,038,693 ("Kourtides"). The Office Action asserts that Zafiroglu does not disclose a non-fibrous layer of metal foil. Kourtides discloses a composite flexible blanket insulation which includes a multilayer insulation system made of reflecting radiation shield layers of aluminized polyimide film or any other metallic film on a polymeric substrate (col. 4, lines 16-19). This multilayer insulation is stitched with deep stitches "DS" (Fig. 2). Hence it is said that Zafiroglu should be modified by incorporating the metallic film of Kourtides to render the claimed invention obvious. This rejection is respectfully traversed.

Claim 3 is directed to a fabric of claim 1 in which the non-fibrous layer is a metal foil. Assume for argument sake only that Zafiroglu discloses a fabric with a non-fibrous layer. Observe that the claim calls for the layer to be contracted to

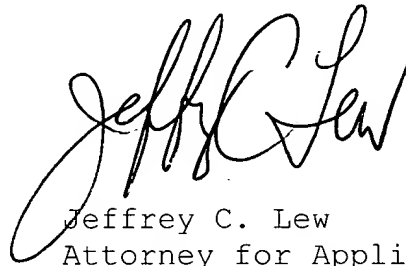
90 percent or less of its original lateral dimensions by the contractible yarns. Kourtides teaches that its multilayer insulation is stitched with inorganic thread, such as high temperature silicon carbide sewing thread (col. 4, lines 35-37). Nothing indicates that such threads are contractible. Thus there is no suggestion that the multilayer insulation is intended to be contracted. Indeed just the opposite is suggested at col. 10, line 63 through col. 11 line 7. There Kourtides indicates that the shallow superficial stitches ("SSS") go only through the blanket insulation layer but not through the multilayer insulation area to minimize damage in this area. Hence it is seen that to substitute a metal foil disclosed in Kourtides for a film in Zafiroglu would cause the foil to gather upon contraction of the contractible yarns. This would wrinkle the foil and press, bend and crush the insulation out of shape. Kourtides teaches away from this resulting product. One of ordinary skill thus would not consider to modify Zafiroglu with a metal foil film on the basis of Kourtides.

Applicants further respectfully submit that there is no motivation for combining the references as proposed by the Office Action. Zafiroglu '779 is directed to nonwoven fabric useful for thermoformed objects such as automobile dashboard and headliners, office separating walls, wall coverings etc. (col. 1, lines 20-24). Zafiroglu '321 is drawn to a nonwoven fabric particularly suited for use as a wipe-cloth (abstract). The product of Kourtides is intended for sophisticated high technology uses, particularly for the surface of aerospace vehicles subject to very high temperatures during flight (abstract). To maintain an obviousness rejection, there must be motivation for modifying the disclosures expressed within the

references. Applicants maintain that neither Zafiroglu patent discloses a need to incorporate a composition adapted to resist the extreme temperature of a space vehicle in flight to improve the performance of an automobile dashboard or a wipe-cloth.

For the foregoing reasons, Applicants urge that the cited references neither anticipate nor render obvious the instant claims and respectfully request that claims 1-3, 5 and 8 be allowed at this time.

Respectfully submitted,



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